

REMARKS

Claims 1-25 are currently pending.

By the present amendment claims 1, 5, 8 and 12-21 have been amended and claims 23-25 have been cancelled. No new matter has been added by these amendments, the amended elements are discussed throughout the specification of the present application.

Thus, Applicant requests entry of the amended claims.

I. Rejection of Claims 1, 3, 5-8, 10, 12-18, 20 and 24 under 35 U.S.C. 103(a)

Claims 1, 3, 5-8, 10, 12-18, 20 and 24 stand rejected as obvious under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,804,224 to Schuster et al. ("Schuster") in view of U.S. Patent No. 6,314,108 to Ramasubramani et al. ("Ramasubramani").

The present invention makes it possible for a single originating gateway to operate with more than one communications carrier. In the prior art, as exemplified by Schuster, different carriers are connected to a telephony over data network through the use of a gateway associated with the carrier. For example, Schuster shows first, second and third local exchanges each connected to a data network through a *separate*, dedicated gateway 25, 35 and 45, respectively. Disadvantages associated with such a structure are disclosed specifically in the present application and are avoided by the present invention. The Examiner states at page 2 of the March 28, 2009 Office Action, that Schuster discloses "at least one originating gateway (reads on GTW, 25, see col. 5, lines 55-57 and Fig. 2)".

Claims 1, 8 and 16 have each been amended to claim "one originating gateway" interacting with a plurality of communications carriers. Schuster does not teach one gateway interacting with a plurality of communications carriers. Rather, Schuster discloses one gateway (25, 35, 45) for each of said 1st, 2nd and 3rd local exchanges, respectively. In fact, if anything, Schuster's disclosure teaches away from the claims as amended and is not available for

combination with any other prior art under 35 U.S.C. 103(a).

Ramasubramani does not teach a single gateway interacting with a plurality of communications carriers. As an initial matter, Ramasubramani discloses a method and apparatus for accessing data, e.g. e-mails and stock quotes, over the Internet. This is quite different from the telephone call technology of the present application. Even assuming that the gateway of Ramasubramani are analogous to the gateway of the present invention, these 'gateways' do not interact with a plurality of communications carriers. To the contrary, gateway 214 of FIG. 2 interacts as an originating gateway only with the Internet 216. Internet 216 interacts with App. Server A 218 and App. Server B 220. Ramasubramani does not provide the teaching necessary to obviate the amended claims of the present application when viewed in combination with Schuster.

Claim 15 has been similarly amended and is similarly not obviated by Schuster in light of Ramasubramani. Claims 3, 5-8, 10, 12-14, 17, 18 and 20 are each dependent from one of claims 1, 8, 15 and 16. As such, none of these claims are obvious over Schuster in light of Ramasubramani.

In addition to the foregoing, the requirements of the claims of the present application are that the indicia is stored in a storage medium accessible to the gateway and that the gateway interacts in particular ways with this indicia. MPEP §2142 instruction to "conduct the search and evaluate the "subject matter as a whole" of the invention" without hindsight, seems particularly appropriate here. The language of the rejection regarding 'indicia' clearly performs a judo throw on the pending claims; using the strength and weight of its own claim language against the Applicant. To the extent that it is alleged that a prior art gateway discloses the indicia claim elements of the present invention, Applicants request an explanation or specific reference to where this disclosure is found in the prior art.

II. Rejection of Claims 2, 4, 9, 11, 19 and 21 under 35 U.S.C. 103(a)

Claims 2, 4, 9, 11, 19 and 21 stand rejected as obvious under 35 U.S.C. 103(a) as being unpatentable over Schuster in view of Ramasubramani and further in view of U.S. Patent No. 7,239,629 to Olshansky et al. ("Olshansky").

Claims 2, 4, 9, 11 and 19 are each dependent on one of claims 1, 8 or 16. Claim 21 has been amended to require "a single gateway". Thus, for the reasons presented above, Schuster in view of Ramasubramani can not obviate these claims. The disclosure of Olshansky does not provide, nor has it been alleged to provide, teaching as to a single gateway operating with more than one communications carrier. As such, claims 2, 4, 9, 11, 19 and 21 are patentable over Schuster in light of Ramasubramani further in light of Olshansky.

III. Conclusion

Applicant believes that the instant application is in condition for allowance and requests allowance of pending claims 1-22. It is believed that no fee is currently due. However, the Examiner is authorized to deduct any deficiency in fees believed due from, or to credit any overpayment to Deposit Account No. 50-4711.

Dated: May 12, 2009

Respectfully submitted,

By: s/Jeffrey I. Kaplan/
Jeffrey I. Kaplan
Registration No. 34,356
KAPLAN GILMAN & PERGAMENT LLP
1480 Route 9 North, Suite 204
Woodbridge, New Jersey 07095
Telephone 732-636-4500
Attorneys for Applicant